

## CHAPTER 203

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**MOTOR VEHICLES AND TRAFFIC REGULATION**


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**HOUSE BILL 21-1084**

BY REPRESENTATIVE(S) Exum and Van Winkle, Amabile, Bennett, Bird, Catlin, Duran, Esgar, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jodeh, Lontine, McCluskie, McCormick, Michaelson Jenet, Mullica, Ortiz, Rich, Ricks, Sirota, Titone, Valdez A., Valdez D., Van Beber, Weissman, Woodrow, Young, Garnett;  
also SENATOR(S) Hisey and Kolker, Buckner, Donovan, Ginal, Jaquez Lewis, Moreno, Priola, Smallwood, Story, Woodward, Zenzinger.

**AN ACT**

**CONCERNING THE ABILITY OF CERTAIN INDIVIDUALS IN THE CUSTODY OF THE STATE DEPARTMENT OF HUMAN SERVICES TO ACQUIRE LEGAL AUTHORITY TO DRIVE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add** 26-5-115 as follows:

**26-5-115. Acquisition of drivers' licenses by individuals in foster care - immunity from liability - rules.** (1) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IN ADDITION TO ANY OTHER REIMBURSEMENT FOR CHILD WELFARE SERVICES DESCRIBED IN THIS ARTICLE 5, THE STATE DEPARTMENT SHALL REIMBURSE A COUNTY DEPARTMENT FOR COSTS PAID BY THE COUNTY DEPARTMENT TO A PUBLIC OR PRIVATE DRIVING SCHOOL FOR THE PROVISION OF DRIVING INSTRUCTION TO AN INDIVIDUAL IN THE CUSTODY OF THE COUNTY DEPARTMENT WHO IS FIFTEEN YEARS OF AGE OR OLDER AND UNDER TWENTY-ONE YEARS OF AGE.

(2) THE STATE DEPARTMENT MAY SEEK AND ACCEPT GIFTS, GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE STATE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER LAW OF THE STATE.

(3) (a) NOTHING IN THIS SECTION PLACES ANY LIABILITY ON A COUNTY DEPARTMENT FOR:

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(I) CONTRACTING WITH A PUBLIC OR PRIVATE DRIVING SCHOOL TO PROVIDE DRIVING INSTRUCTION TO AN INDIVIDUAL WHO IS IN THE CUSTODY OF THE COUNTY DEPARTMENT; OR

(II) AN INJURY ALLEGED TO HAVE OCCURRED WHILE AN INDIVIDUAL IN THE CUSTODY OF THE COUNTY DEPARTMENT RECEIVED DRIVING INSTRUCTION FROM A PUBLIC OR PRIVATE DRIVING SCHOOL.

(b) NOTHING IN THIS SECTION WAIVES OR LIMITS A COUNTY DEPARTMENT'S GOVERNMENTAL IMMUNITY, AS DESCRIBED IN ARTICLE 10 OF TITLE 24.

(4) ON OR BEFORE DECEMBER 1, 2021, THE STATE BOARD SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THIS SECTION.

**SECTION 2.** In Colorado Revised Statutes, 42-2-108, **amend** (2); and **add** (5) and (6) as follows:

**42-2-108. Application of minors - rules.** (2) (a) Any negligence or willful misconduct of a minor under ~~the age of~~ eighteen years OF AGE who drives a motor vehicle upon a highway is imputed to the person who signed the affidavit of liability ~~which~~ THAT accompanied the MINOR'S application of ~~such minor~~ for a AN INSTRUCTION permit or a MINOR DRIVER'S license. ~~Such~~ THE person is jointly and severally liable with ~~such~~ THE minor for any damages caused by ~~such~~ THE MINOR'S negligence or willful misconduct, except as ~~otherwise~~ provided in subsection (3) of this section.

(b) A GUARDIAN AD LITEM, AN OFFICIAL OF A COUNTY OR DISTRICT DEPARTMENT OF HUMAN OR SOCIAL SERVICES, OR AN OFFICIAL OF THE DIVISION OF YOUTH SERVICES IN THE STATE DEPARTMENT OF HUMAN SERVICES WHO SIGNS A MINOR'S APPLICATION FOR AN INSTRUCTION PERMIT OR A MINOR DRIVER'S LICENSE BUT DOES NOT SIGN AN AFFIDAVIT OF LIABILITY DOES NOT IMPUTE LIABILITY ON THEMSELVES, ON THE COUNTY, OR ON THE STATE FOR ANY DAMAGES CAUSED BY THE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE APPLICANT.

(c) NOTHING IN THIS SECTION WAIVES OR LIMITS THE GOVERNMENTAL IMMUNITY OF A COUNTY OR DISTRICT DEPARTMENT OF HUMAN OR SOCIAL SERVICES, AS DESCRIBED IN ARTICLE 10 OF TITLE 24.

(5) AN INDIVIDUAL WHO IS IN THE CUSTODY OF THE STATE DEPARTMENT OF HUMAN SERVICES OR A COUNTY OR DISTRICT DEPARTMENT OF HUMAN OR SOCIAL SERVICES WHO DOES NOT POSSESS ALL OF THE REQUIRED DOCUMENTS TO APPLY FOR AN INSTRUCTION PERMIT OR A MINOR DRIVER'S LICENSE PURSUANT TO THIS SECTION MAY BE ELIGIBLE FOR EXCEPTION PROCESSING PURSUANT TO RULES OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE.

(6) ON OR BEFORE NOVEMBER 1, 2021, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL PROMULGATE RULES ESTABLISHING, TO THE EXTENT PERMISSIBLE UNDER FEDERAL LAW, FORMS OF DOCUMENTATION THAT ARE ACCEPTABLE FOR THE PURPOSE OF ALLOWING INDIVIDUALS WHO ARE IN THE CUSTODY OF THE STATE DEPARTMENT OF HUMAN SERVICES OR A COUNTY OR DISTRICT DEPARTMENT OF HUMAN OR SOCIAL SERVICES TO VERIFY THEIR LEGAL

RESIDENCE IN THE UNITED STATES, ESTABLISH IDENTITY, AND SATISFY ANY OTHER PREREQUISITES FOR THE ACQUISITION OF AN INSTRUCTION PERMIT OR A MINOR DRIVER'S LICENSE.

**SECTION 3. Appropriation.** For the 2021-22 state fiscal year, \$54,180 is appropriated to the department of human services for use by the division of child welfare. This appropriation is from the general fund. To implement this act, the division may use this appropriation for child welfare services.

**SECTION 4. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 28, 2021